

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 EB-07 OMB-01 CIAE-00 PM-04 H-02 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 EUR-12

ACDA-07 TRSE-00 SAJ-01 NSCE-00 SSO-00 USIE-00 INRE-00

EAE-00 /078 W

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O 071128Z JUL 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC IMMEDIATE 7109

INFO SECDEF WASHDC

JCS WASHDC

CINCPAC HONOLULU

CINCPACAF

CINCPACFLT

CINCPACREPPHIL SUBIC

CG 13TH AF CLARK

C O N F I D E N T I A L MANILA 9832

CINCPAC ALSO FOR POLAD

FROM USDEL 77

E.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: PHILIPPINE BASE NEGOTIATIONS: TERM OF AGREEMENT

REF: MANILA 9736

1. IN CHAIRMEN'S GROUP MEETING JULY 6, ROMUALDEZ INDICATED DESIRE "RECONCILE" U.S. AND PHIL POSITION ON PROPOSED TERM OF AGREEMENT. HE REITERATED THIS POSITION JULY 7, AND SAID GOP WAS PREPARED LINK TERM OF AGREEMENT TO "TERMINATION" PROVISIONS OF MUTUAL DEFENSE TREATY.

2. SINCE SECRETARY KISSINGER INFORMED GOP THAT WE ACCEPT
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IN PRINCIPLE THE IDEA OF MULTI-YEAR FINANCING FOR

MODERNIZATION OF PHILIPPINE ARMED FORCES, IT IS PATENT THAT WE WILL HAVE TO BUILD SOME TIME LIMITS INTO OUR DRAFT IN ORDER TO REFLECT PERIODICITY OF CONGRESSIONAL AUTHORIZATION AND APPROPRIATION PROCESS. THEREFORE, WE WILL NEED TO ADJUST OUR CURRENT ARTICLE XXII TO REFLECT THIS FACT.

3. THE ONLY MODEL FROM WHICH WE CAN EXTRACT GUIDANCE WOULD SEEM TO BE THE TURKISH AGREEMENT. THIS, HOWEVER, FAILS TO REFER TO THE LIFE OF THE NORTH ATLANTIC TREATY, AND IS CONSEQUENTLY INADEQUATE TO OUR NEEDS. ACCORDINGLY, I WOULD LIKE TO SUGGEST THE FOLLOWING FORMULATION AS A REVISION OF PARA 2, ARTICLE XXII, OF THE U.S. DRAFT.

"2. THIS AGREEMENT AND ITS ANNEXES SHALL REMAIN IN FORCE FOR FIVE YEARS FROM ITS ENTRY INTO FORCE, AND SHALL BE EXTENDED FOR SUBSEQUENT FIVE YEAR PERIODS WITHIN THE EFFECTIVE PERIOD OF THE MUTUAL DEFENSE TREATY OF 1951, WITH WHICH IT SHALL BE COTERMINOUS. THE PARTIES SHALL CONSULT AT ANY TIME DURING THE TERM OF THIS AGREEMENT, ON THE INITIATIVE OF EITHER, TO CONSIDER ITS POSSIBLE AMENDMENT."

4. I REALIZE IT IS SOMEWHAT DIFFICULT TO CONSTRUCT AN ARTICLE ON THE AGREEMENT'S TERM WITHOUT KNOWING THE EXACT CONTENT OF THE PHIL ARTICLE WHICH WILL REPLACE THEIR CURRENT ARTICLE XIX ON THE SUBJECT OF QUID. HOWEVER, IT WOULD APPEAR THAT THEY WILL GENERALLY FOLLOW THE TURKISH PATTERN ON ARTICLE XIX AND IT WOULD THEREFORE BE VALUABLE TO HAVE WASHINGTON GUIDANCE ON DEFICIENCIES WHICH WE PERCEIVE IN THE TURKISH ARTICLE XIX. IN SUM, WE WOULD WELCOME WASHINGTON DRAFTS WHICH ENCOMPASS BOTH AN ACCEPTABLE VERSION OF PHIL ARTICLE XIX AND A REVISED U.S. ARTICLE XXII TO TAKE INTO ACCOUNT THIS ADDENDUM TO OUR ORIGINAL PURPOSE.

5. ACTION REQUESTED: PLEASE PROVIDE TWO DRAFT ARTICLES AS DESCRIBED ABOVE FOR USDEL USE JULY 9.
SULLIVAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, MILITARY BASES, MILITARY BASE AGREEMENTS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 07 JUL 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: BoyleJA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MANILA09832
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760261-0576
From: MANILA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760784/aaaacvym.tel
Line Count: 98
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 MANILA 9736
Review Action: RELEASED, APPROVED
Review Authority: BoyleJA
Review Comment: n/a
Review Content Flags:
Review Date: 03 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 JUN 2004 by CunninFX>; APPROVED <27 SEP 2004 by BoyleJA>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PHILIPPINE BASE NEGOTIATIONS: TERM OF AGREEMENT
TAGS: MARR, RP, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006